

November 9, 2022

VIA ECF:

Honorable Nina R. Morrison
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Bahl v. NYIT*, Civil Case No. 14-4020
Motion for Extension of Time for Response

Dear Judge Morrison:

Pursuant to your individual practice rules, counsel for Plaintiff writes to you to request a 30-day extension of time to file his Response to Defendant's Motion for Summary Judgment, from November 14, 2022 to December 14, 2022. Four other requests to enlarge Plaintiff's time to respond to Defendant's Motion for Summary Judgment were made and granted. Counsel for Plaintiff notes that five requests to enlarge Defendant's time to file their Motion for Summary Judgment were made and granted.

Unlike counsel for Defendant, counsel for Plaintiff only recently appeared in this matter and had no role in developing the record for this case. Counsel for Plaintiff received only yesterday, Defendant's Rule 56.1 statement (which is approximately 240 paragraphs long), Defendant's supporting affidavit for their motion (which is over 600 pages long), and access to the deposition transcripts (of which there are nine). Although counsel for Plaintiff is cognizant of the delay in this matter, it will be almost impossible to come up to speed on the record in this matter and put in a competent response under the current timeframe.

Counsel for both parties conferred on this matter yesterday and counsel for Plaintiff received today Defendant's objection to this request, which states:

NYIT respectfully requests that the Court deny Plaintiff's fifth request for an extension of time to oppose NYIT's motion for summary judgment. NYIT's motion was served upon Plaintiff on

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March 1, 2022. Plaintiff, proceeding *pro se*, filed four applications for an extension to serve his opposition to NYIT's motion, which NYIT did not oppose. In Plaintiff's last September 26, 2022 extension request, he advised the Court that he expected to obtain representation "within the coming days" and, thus, sought another extension so that his new attorneys would have six weeks to draft and serve Plaintiff's opposition papers. The Court granted Plaintiff's last request for a 6-week extension until November 14, 2022, noting that no further extensions would be granted absent good cause. Plaintiff now seeks another extension for the same reasons previously disclosed to the Court in his September 26, 2022 request. Plaintiff has had 8.5 months to serve his opposition to NYIT's motion. That Plaintiff has recently retained counsel is not good cause for a fifth extension. Plaintiff has had over two years since the Court granted his prior attorneys' motion to withdraw as counsel in November 2020 to obtain counsel, yet failed to do so.

Counsel for plaintiff believes they have made the requisite showing of good case and respectfully request that their letter motion be granted.

Respectfully submitted,

ADVOCATES FOR JUSTICE,
CHARTERED ATTORNEYS
Attorneys for Plaintiff

/s/ Richard Soto

Richard Soto

cc: Counsel for Defendant (via ECF notification)